

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

ELIZABETH VAN DUYNE and
THE STATE OF TEXAS,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL
AND PREVENTION., et al.,

Defendants.

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Civil Action No. 4:22-cv-00122-O

ORDER

On April 13, 2022, the Transportation Security Agency (“TSA”) extended the public transportation mask mandate through May 3, 2022.¹ On April 18, 2022, a United States District Judge for the Middle District of Florida issued an opinion vacating the mask mandate at issue in this case. *See Health Freedom Defense Fund, Inc. v. Biden*, ECF No. 53, No. 8:21-cv-1693 (M.D. Fla. April 18, 2022). The Government appealed the decision. *See Health Freedom Defense Fund, Inc. v. Biden*, No. 22-11287 (11th Cir., Apr. 21, 2022). TSA has not renewed the mask mandate, which has since expired. The Court ordered the parties to brief mootness, standing, and irreparable harm. Plaintiffs concede that “TSA is not enforcing the CDC’s Mask Mandate today.” Pls.’ Resp. to Defs.’ Cross-Brief 2, ECF No. 40. Having considered the motion, briefing, and applicable law, the Court **STAYS** proceedings in this case and **HOLDS** the pending preliminary injunction motion in abeyance pending resolution of the appeal in *Health Freedom*. The Court **DIRECTS** the Clerk of Court to terminate all pending motions and close the case. Finally, the Court **ORDERS** the

¹ See TSA, *TSA extends face mask requirement through May 3, 2022* (Apr. 13, 2022), <https://www.tsa.gov/news/press/statements/2022/04/13/tsa-extends-face-mask-requirement-through-may-3-2022>.

parties to file a joint status report within five days of the Eleventh Circuit's resolution of the *Health Freedom* appeal indicating their positions on the opinion and proposing a schedule for resolution of this case. At that time, the parties may move to reopen the case if they so choose, and Plaintiffs may renew their request for a preliminary injunction.

SO ORDERED on this **24th day of May, 2022.**


Reed O'Connor
UNITED STATES DISTRICT JUDGE